



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 3291-98
13 April 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUMED memorandum 7220 SER 527 /97-4080 of 8 March 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO

7220
Ser 527/97-4080
8 Mar 99

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINIONS ICO [REDACTED]

Ref: (a) SECNAVINST 7220.75C
(b) NAVADMIN 198/95

Encl: (1) BCNR File ICO [REDACTED]

1. Enclosure (1) is returned recommending disapproval.
2. IAW guidance of references (a) and (b), [REDACTED] is authorized Medical Incentive Special Pay (ISP) of \$6,000.00 effective 15 January 1998 due to a four year Multi-year Special Pay (MSP) contract initiated in fiscal year 1996. On 15 January 1998, he was inadvertently overpaid by \$2,000. Although the error was through no fault of the member, he is not entitled to keep the overpayment.
3. Point of contact is Hospital Corpsman First Class [REDACTED] who may be reached at 202-762-3363, DSN 762-3363, FAX 202-762-3367, DSN 762-3367, or E-mail [REDACTED].navy.mil.

[REDACTED]
By direction

Copy to:
DFAS (FMA-562)
PERS-4415N
Naval Medical Clinic, Annapolis